

Assembly Bill No. 1758

CHAPTER 19

An act to amend Section 52055.650 of, and to add Section 52055.661 to, the Education Code, relating to high-priority schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 17, 2006. Filed with
Secretary of State April 17, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1758, Umberg. High Priority Schools Grant Program.

(1) Under the High Priority Schools Grant Program, the Superintendent of Public Instruction, with the approval of the state board, is required to identify schools ranked in deciles 1 to 5, inclusive, on the Academic Performance Index (API), and to invite those schools to participate in the program. Under the existing program, in order to be eligible for funding from the program, a school is also required to participate in the Immediate Intervention/Underperforming Schools Grant Program.

Existing law requires an applicant under the grant program to submit an application and a school action plan, and requires the Superintendent to establish a procedure for the approval of applications and school action plans. Existing law provides that 36 months after receipt of funding to implement a school action plan, a school that has not met its growth targets each year, but demonstrates significant growth, as determined by the State Board of Education, will continue to participate in the program.

This bill would, instead, provide that 36 months after the receipt of funding to implement a school action plan, all schools that are not subject to state monitoring are eligible for a 4th year of funding, and would require a school that the most recent base API places in decile 6, 7, 8, 9, or 10 to exit the program.

The bill would also require a school that achieves positive growth in each year of the last 3 years of program implementation and achieves growth targets in 2 of those years to exit the program.

(2) Existing law, in certain circumstances, requires a school district to enter into a contract with a school assistance and intervention team to make recommendations for improvement of a school. If a school has not shown significant growth within 24 months of entering the program, existing law permits the Superintendent to assign the management of that school to a college, university, county office of education, or other appropriate educational institution.

This bill would provide specified state funding, subject to certain local funding requirements, to a school district that is required to enter into a

contract with a school assistance and intervention team for purposes of implementing any recommendations made by the school assistance and intervention team in the report prepared by the team. The bill would also provide specified funding for support of each school assistance and intervention team that enters into a contract with a school district in accordance with the High Priority Schools Grant Program.

(3) Existing law establishes the “Early Warning Program” for local educational agencies in danger of identification as program improvement local educational agencies under the federal No Child Left Behind Act for purposes of implementing federal requirements under that act. The program subjects to specified sanctions local educational agencies that have been identified for corrective action under the act, in certain circumstances.

Existing law requires a local educational agency that has received a sanction and that has not exited program improvement under the act to appear before the state board within 3 years to review the progress of the local educational agency. Existing law requires a hearing before the state board, as specified, and requires the Superintendent to recommend, and authorizes the state board to approve, alternative sanctions, as specified, or to take appropriate action, as specified.

An existing specified item of the Budget Act of 2005 appropriates \$1,846,724,000 to the department, for local assistance, payable from the Federal Trust Fund.

This bill would provide that \$4,125,000 of the available Title I of the No Child Left Behind Act funds is appropriated from the Federal Trust Fund to the department, for expenditure during the 2005–06 fiscal year, to provide funding to local educational agencies for purposes of the above-described hearing process for, and subsequent sanctions imposed on or actions required of, local educational agencies, thereby making an appropriation.

(4) This bill would make various technical, nonsubstantive changes to existing law.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 52055.650 of the Education Code is amended to read:

52055.650. (a) Section 52055.5 does not apply to a school participating in the High Priority Schools Grant Program.

(b) Twenty-four months after receipt of funding for implementation of the action plan pursuant to Sections 52054.5 and 52055.600, a school that has not met its growth targets each year shall be subject to review by the state board. This review shall include an examination of the school’s

progress relative to the components and reports made pursuant to Section 52055.640. The Superintendent, with the approval of the state board, may direct that the governing board of a school take appropriate action and adopt appropriate strategies to provide corrective assistance to the school in order to achieve the components and benchmarks established in the school's action plan.

(c) Thirty-six months after receipt of funding to implement a school action plan, a school that has met or exceeded its growth target each year shall receive a monetary or nonmonetary award, under the Governor's Performance Award Program, as set forth in Section 52057. Funds received pursuant to that section may be used at the school's discretion.

(d) Notwithstanding subdivisions (e) and (f), 36 months after the receipt of funding to implement a school action plan, all schools that are not subject to state monitoring are eligible for a fourth year of the funding specified in Section 52055.600.

(e) Thirty-six months after receipt of funding pursuant to Section 52053 or 52055.600, a school for which the most recent base Academic Performance Index (API) places the school in decile 6, 7, 8, 9, or 10 shall exit the program.

(f) A school that achieves positive growth in each year of the last three years of program implementation and achieves growth targets in two of those years shall exit the program.

(g) Notwithstanding any other law, the Superintendent, with the approval of the state board, shall follow the course of action prescribed by paragraph (1) or (2) with respect to a school that does not meet its growth targets within the periods described in either subdivision (c) or (d), as applicable, and has failed to show significant growth, as determined by the state board.

(1) Require the school district to enter into a contract with a school assistance and intervention team.

(A) Team members should possess a high degree of knowledge and skills in the areas of school leadership, curriculum, and instruction aligned to state academic content and performance standards, classroom management and discipline, academic assessment, parent-school relations, and evaluation and research-based reform strategies, and have proven successful expertise specific to the challenges inherent in high-priority schools.

(B) The team shall provide intensive support and expertise to implement the school reform initiatives in the plan. Decisions about interventions shall be data driven. A school assistance and intervention team shall work with school staff, site planning teams, administrators, and school district staff to improve pupil literacy and achievement by assessing the degree of implementation of the current action plan, refining and revising the action plan, and making recommendations to maximize the use of fiscal resources and personnel in achieving the goals of the plan. The district shall provide support and assistance to enhance the work of the team at the targeted schoolsites.

(C) Not later than 60 days after the school's API score becomes public, the team shall complete an initial report. The report shall include recommendations for corrective actions chosen from a range of interventions, including the reallocation of school district fiscal resources to ensure that appropriate resources are targeted to those specific interventions identified in the recommendations of the team for the targeted schools and other changes deemed appropriate to make progress toward meeting the school's growth target. Not later than 90 days after the API results are made public, the governing board of the school district shall adopt the team's recommendations at a regularly scheduled meeting of the governing board. The governing board may not place the adoption on the consent calendar. The report shall be submitted to the Superintendent and the state board.

(D) No less than three times during the year, the school district and schoolsite shall present the team with data regarding progress toward the goals established by the team's initial assessment. The data shall be presented to the governing board of the school district at a regularly scheduled meeting. The team shall, to the extent possible, utilize existing site data. The data shall also be provided to the Superintendent and the state board. Every effort shall be made to report this data in a manner that minimizes the length and complexity of the reporting requirement in order to maximize the focus on improving pupil literacy and achievement.

(E) An action taken pursuant to this paragraph shall not increase local costs or require reimbursement as determined by the Commission on State Mandates.

(2) The Superintendent shall assume all the legal rights, duties, and powers of the governing board with respect to the school. The Superintendent, in consultation with the state board and the governing board of the school district, shall reassign the principal of that school subject to the findings in subdivision (i). In addition to reassigning the principal, the Superintendent, in consultation with the state board, shall, notwithstanding any other provision of law, do at least one of the following:

(A) Revise attendance options for pupils to allow them to attend any public school in which space is available. If an additional attendance option is made available, this option may not require either the sending or receiving school district to incur additional transportation costs.

(B) Allow parents or guardians to apply directly to the state board for the establishment of a charter school and allow parents or guardians to establish the charter school at the existing schoolsite.

(C) Under the supervision of the Superintendent, assign the management of the school to a college, university, county office of education, or other appropriate educational institution. However, the Superintendent may not assume the management of the school.

(D) Reassign other certificated employees of the school.

(E) Renegotiate a new collective bargaining agreement at the expiration of the existing collective bargaining agreement.

(F) Reorganize the school.

(G) Close the school.

(h) In addition to the actions listed in subdivision (g), the Superintendent, in consultation with the state board, may take any other action considered necessary or desirable against the school district or the school district governing board, including appointment of a new superintendent or suspension of the authority of the governing board with respect to a school that does not meet its growth targets within the periods described in either subdivision (b) or (c), as applicable, and has failed to show significant growth, as determined by the state board.

(i) Before the Superintendent may take any action against a principal pursuant to paragraph (2) of subdivision (g), the Superintendent or a designee of the Superintendent shall hold a public hearing on the matter in the school district and make both of the following findings:

(1) A finding that the principal had the authority to take specific enumerated actions that would have helped the school meet its performance goals.

(2) A finding that the principal failed to take specific enumerated actions pursuant to paragraph (1).

(j) An action taken pursuant to subdivision (g), (h) or (i) shall not increase local costs or require reimbursement by the Commission on State Mandates.

(k) An action taken pursuant to subdivision (g), (h) or (i) shall be accompanied by specific findings by the Superintendent and the state board that the action is directly related to the identified causes for continued failure by a school to meet its performance goals.

(l) (1) Notwithstanding subdivision (a), a school participating in the High Priority Schools Grant Program that received a planning grant pursuant to subdivision (f) of Section 52053 in the 1999–2000 fiscal year is eligible to receive funding pursuant to Section 52055.600 in the 2002–03 fiscal year only.

(2) Notwithstanding subdivision (a), a school participating in the High Priority Schools Grant Program that received a planning grant pursuant to subdivision (l) of Section 52053 in the 2000–01 fiscal year is eligible to receive funding pursuant to Section 52055.600 in the 2002–03 and 2003–04 fiscal years only.

(3) Notwithstanding subdivision (a), a school participating in the High Priority Schools Grant Program that received a planning grant pursuant to subdivision (l) of Section 52053 in the 2001–02 fiscal year is eligible to receive funding pursuant to Section 52055.600 in only the 2002–03, 2003–04, and 2004–05 fiscal years.

(m) Notwithstanding the growth target timelines set forth in subdivisions (b), (c), (e), and (f), a school that receives funds pursuant to Section 52055.600 during the 2002–03 or 2003–04 fiscal year shall meet the growth target specified in subdivision (b) no later than December 31, 2004, and the growth target specified in subdivisions (c), (e), and (f) no later than December 31, 2005.

(n) Notwithstanding the growth target timelines set forth in subdivisions (b), (c), (e), and (f), a school that receives funds pursuant to Section 52055.600 during the 2005–06 or 2006–07 fiscal year shall meet the growth target specified in subdivision (b) no later than December 31, 2008, and the growth target specified in subdivisions (c), (e), and (f) no later than December 31, 2009.

SEC. 2. Section 52055.661 is added to the Education Code, to read:

52055.661. (a) The amount of one hundred fifty dollars (\$150) per pupil shall be annually allocated to a school district that is required to enter into a contract with a school assistance and intervention team pursuant to subdivision (a) of Section 52055.51 or paragraph (1) of subdivision (g) of Section 52055.650, for purposes of implementing any recommendations made by the school assistance and intervention team in the report prepared by the team pursuant to subdivision (e) of Section 52055.51 or subparagraph (C) of paragraph (1) of subdivision (g) of Section 52055.650. A school district that receives funds pursuant to this subdivision shall provide an in-kind match of services, or a match of school district funds in an amount equal to the amount received by the local education agency pursuant to this subdivision.

(b) The amount of one hundred fifty dollars (\$150) per pupil shall be annually allocated to a school district in accordance with paragraph (3) of subdivision (b) of Section 52055.5 or paragraph (2) of subdivision (g) of Section 52055.650, for the purposes of improving the academic performance of that school. School districts that receive funds pursuant to this paragraph shall provide an in-kind match of services, or a match of school district funds in an amount equal to the amount received by the school district pursuant to this subdivision.

(c) Funding for the support of each school assistance and intervention team that enters into a contract with a school district pursuant to paragraph (1) of subdivision (a) of Section 52055.51 or subdivision (g) of Section 52055.650 shall be allocated on a one-time basis as follows:

(1) Seventy-five thousand dollars (\$75,000) for each school assistance and intervention team assigned to an elementary or middle school.

(2) One hundred thousand dollars (\$100,000) for each school assistance and intervention team assigned to a high school.

(3) As a condition of receipt of funds, a school district shall provide an in-kind match of services, or a match of school district funds, in an amount equal to one dollar (\$1) for every two dollars (\$2) provided pursuant to subdivision (a).

SEC. 3. The sum of four million one hundred twenty-five thousand dollars (\$4,125,000) in available Title I of the No Child Left Behind Act of 2001 (Public Law 107-110) funds is hereby appropriated from the Federal Trust Fund to the State Department of Education, for expenditure during the 2005–06 fiscal year, to provide funding to local educational agencies for purposes of subdivision (e) of Section 52055.57 of the Education Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of

Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that pupils in low-achieving public schools have access to services designed to improve pupil achievement at the earliest possible time, it is necessary that this act take effect immediately.

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